

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

JAMES C. WINDING

PLAINTIFF

VS.

CIVIL ACTION NO. 4:08cv59-FKB

DEPUTY COMMISSIONER
E.L. SPARKMAN, et al.

DEFENDANTS

MEMORANDUM OPINION

Plaintiff is a state inmate housed at East Mississippi Correctional Facility (EMCF). He brought this action pursuant to § 1983 alleging violations of his constitutional rights by prison officials. A *Spears* hearing was held before another magistrate judge of this court, and the parties have consented to jurisdiction by the magistrate. Having considered Plaintiff's allegations, the court concludes that for the reasons set forth herein that this matter should be dismissed as frivolous.

Plaintiff alleges that another inmate, Willie Proctor, pushed him against a wall in a prison hallway. He does not allege any physical injuries as a result of this encounter, but claims that it caused him great emotional distress because he had previously suffered multiple stab wounds during an attack by Proctor. He also references assaults on other inmates at the prison but does not allege that he was himself physically injured. His claim is essentially that prison officials have allowed him to be exposed to dangerous situations and that this has resulted in mental anguish.

Plaintiff's claims fail to raise any issue of constitutional dimensions. Accordingly, this cause will be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I). A

separate judgment will be entered.

So ordered, this the 7th day of May, 2010.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE